

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 113, “Licensing and Regulation of Foster Family Homes,” Iowa Administrative Code.

These amendments provide for changes to the licensing regulations for foster family homes relating to bedrooms for foster children and fire safety. These changes eliminate the requirements that all bedroom windows be of a specific dimension and leave such requirements in place only with regard to basement egress windows. The specified bedroom window size requirements had increased the number of requests for exception to policy. The Department requires foster family homes to have a safety plan in case of a fire.

These proposed amendments provide that a standard bed, or a crib for infants and toddlers who cannot safely use a standard bed, is required for bedrooms. In the past, play yards, pac-n-plays, and air mattresses have been used instead of a bed or crib, and these present significant safety issues. Language that is no longer applicable due to these changes is proposed to be eliminated.

Any interested person may make written comments on the proposed amendments on or before July 31, 2012. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because foster and adoptive parents may request a waiver under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 237.7.

The following amendments are proposed.

ITEM 1. Amend subrule 113.5(3) as follows:

113.5(3) Bedrooms for foster children.

a. Bedrooms shall either have been constructed for the purpose of providing sleeping accommodation or remodeled for sleeping to provide proper heat and ventilation. Bedroom additions to a home shall meet building code requirements. All bedrooms used by foster children must have:

~~(1) All bedrooms used by foster children must have:~~

1- (1) Permanent walls;

2- (2) A door that closes;

3- (3) ~~A working~~ An unobstructed, operable window that opens from the inside; and

4- (4) A closet, wardrobe, armoire, or dresser; and

(5) A standard bed, or a crib for infants and toddlers who cannot safely use a standard bed.

~~(2) If a currently licensed home has a bedroom with no window, foster children cannot use the room for a bedroom. If a bedroom currently occupied by a foster child does not have an operable window, an exception to policy may be requested for that specific child under the following conditions:~~

~~1.—The recruitment and retention contractor has evaluated the situation and has determined there is no other option for sleeping arrangements for the child;~~

~~2.—The recruitment and retention contractor has determined there is no reasonable way to make the window operable; and~~

~~3.—The child would have to be moved to another placement if the exception were not granted.~~

b. The minimum bedroom area per child shall be 40 square feet. However, the service area manager or designee may approve a smaller room size when approval is in the best interest of specific children placed or to be placed in the home. Such approvals shall:

- (1) Be in writing;
- (2) Contain the names and birth dates of the children for whom issued; and
- (3) Be reviewed at each license renewal.

c. When ~~sleeping rooms~~ bedrooms meet only minimum requirements, the home shall provide additional room in other parts of the home for study and play.

d. The ceiling height for bedrooms shall be adequate for the child.

e. Bedrooms belowground shall:

- (1) Be free from excessive dampness, noxious gases, and objectionable odors;
- (2) Have access to at least one direct exit to the outside from the level belowground and one inside stairway exit from the level belowground;
- (3) Have an egress window with a clear opening area with an opening height of 24 inches and an opening width of 20 inches or an opening height of 20 inches and an opening width of 24 inches;
- (4) Have provisions, such as a ladder or steps, to ensure that the foster child can safely reach the window if the finished sill height is more than 44 inches above the floor and that the foster child can safely reach ground level if there is a window well that has a depth of 44 inches or higher;
- (5) Have a finished ceiling; and
- (6) Have a covered floor.

ITEM 2. Rescind and reserve subrules **113.5(4)** and **113.5(5)**.

ITEM 3. Amend rule 441—113.7(237) as follows:

441—113.7(237) Safety.

113.7(1) Fire protection for bedrooms. Any floor of a house, including the basement, used for the sleeping of foster children shall be equipped with the following:

a. ~~A working smoke detector approved by the Underwriters Laboratory.~~ in a location where sleeping areas can be alerted. For hearing-impaired children, the foster parent shall install a smoke detector in the child's bedroom that will use an alternative means of waking the child.

b. ~~A window exit that meets all of the following criteria:~~

(1) ~~The window opens from the inside and is large enough to allow the foster child to pass easily through it. The window shall have an opening height of at least 24 inches, a width of at least 20 inches, and a finished sill height of not more than 44 inches above the floor.~~

(2) ~~Provisions are made to ensure that the foster child can easily reach, open, and climb through the window.~~

(3) ~~Provisions are made to ensure that the foster child can safely reach the ground from the window.~~

(4) ~~The foster child is aware of the window exit and how to use it.~~

~~c. b.~~ Hallways that and stairways free of debris and clutter to allow unrestricted access to an exit.

~~d. c.~~ A working carbon monoxide detector: in all homes with:

(1) Gas appliances, furnaces, fireplaces, or other gas equipment; and

(2) Attached garages.

113.7(2) Combustion hazards.

a. Combustible materials shall be kept away from heat sources, including but not limited to furnaces, stoves, electrical panels, space heaters, and hot water heaters.

b. Explosives and flammable substances shall be stored securely and be inaccessible to a child. Matches and lighters shall be inaccessible to a child.

c. The home shall have at least one operable 2A-10BC-rated or ABC-rated fire extinguisher.

113.7(3) Safety plan. The family shall have a an emergency safety plan to be used in case of fire, tornado, blizzard, flood, other natural or manmade disasters, accidents, medical issues, and other life-threatening situations for children in out-of-home placements.

- a.* Safety plans for fire and tornadoes shall be documented and reviewed with foster children at the time of placement and practiced with the foster children throughout the year.
- b.* In the case of a disaster requiring evacuation of the home, the foster parents shall notify the department of the address and telephone number of the parents' temporary residence within 48 hours.
- c.* The plans shall include a designated meeting place.

113.7(4) to 113.7(8) No change.

This rule is intended to implement Iowa Code section 237.3.